

REMARKS

Claims 1-16 are pending in the application. Claims 1, 2 and 5-8 stand rejected. Claims 3 and 4 are objected to. Claims 1 and 4 have been amended. Claims 17-30 have been added. New claim 17 corresponds to allowable claims 1+2, with claim 18 corresponding to allowable claim 3. New claim 19 corresponds to allowable claims 1+4. New claim 20 corresponds to allowable claims 1+7, with claim 21 corresponding to allowable claim 8. New claim 22 corresponds to allowable claims 9+11, with claims 23, 24, 25 and 26 corresponding to allowable claims 12, 13, 15 and 16. New claim 27 corresponds to allowable claims 9+14. Accordingly, no new matter has been introduced by these amendments.

Reply to the Objection to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5). Specifically, the Examiner states that "Reference character 1 (page 2) is not shown in Figure 1".

Attached hereto is a proposed red line amendment to Figure 1 for the Examiner's approval. It is believed that this amendment overcomes the Examiner's objection. A formal drawing of Figure 1 will be submitted pending the Examiner's approval.

Reply to the Objection to the Specification

The Examiner has objected to the disclosure for various informalities. Specifically, the Examiner states –

"A load-receiving element is disposed 9" (page 2) needs to be changed to --A load-receiving element 9 is disposed--.

"Moved to the pen position" (page 2) needs to be changed to --moved to the open position--.

The Specification has been amended to correct the various informalities noted by the Examiner. It is believed that the above amendments overcome the Examiner's objections to the Specification. Withdrawal of the objections to the Specification is therefore respectfully requested.

Reply to the Objection to the Claims

The Examiner has objected to Claims 1, 5 and 9 for various informalities. Specifically, the Examiner states –

Regarding claim 1, “at least one supporting member attached the cover” needs to be changed to --at least one supporting member attached to the cover--.

Regarding claim 5, “wherein the at least one supporting member further comprises a second supporting member comprising fastening members attached to the cover for suspension of goods” needs to be changed to --wherein the at least one supporting member further comprises fastening members attached to the cover for suspension of goods--.

Regarding claim 9, “the load receiving element” needs to be changed to --the load-receiving element--.

Applicants have amended Claims 1, 5 and 9 as noted by the Examiner. It is believed that these amendments and remarks overcome the Examiners objections to Claims 1, 5 and 9. Withdrawal of the objection is respectfully requested.

Reply to the Rejection of Claims 1, 5 and 6 under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 04-191138 to Nissan Motors (“Nissan”). Specifically, the Examiner states –

Regarding claim 1, Japanese ‘138 discloses a loading compartment in a floor (10) of a vehicle comprising a recess (11) in the floor of the vehicle; a cover (20) mounted in the floor for covering the recess in a closed position and for allowing access to a storage space defined by the recess in an open; and at least one supporting member (29a) attached to the cover for securing goods placed in the storage space.

Regarding claim 5, Japanese ‘138 discloses the loading compartment wherein the at least one support member (29a) further comprises fastening members (29a) attached to the cover (20) for suspension of goods.

Regarding claim 6, Japanese ‘138 discloses the loading compartment further comprising an elastic cord (26) disposed in the loading compartment, wherein the elastic cord is fastened to the fastening members (29a) thereby securing goods in the storage area.

For the following reasons, Applicants respectfully traverse the Examiner’s rejection of Claims 1, 5 and 6 as being anticipated by Nissan.

Referring to the Abstract of Nissan, therein is disclosed a floor panel structure of a trunk. The floor panel 10 includes a recess 11 and a floor cover 20. One end 26 b of a rubber band 26 can be extended from one cover side 21 to the other cover side 22 and fixed to a fixing hook 29a. The other end 26a of the rubber band 26 is attached to the first cover side 21. It is not known from Nissan whether this is a permanent attachment. However, it is seen from Nissan that at least one end 26b can be loose when not hooked to the fixing hook 29a. Still, Nissan does not teach or suggest at least one supporting member pivotably mounted to the cover.

It is well recognized that in order for a reference to anticipate a claimed invention, it must teach each and every element as claimed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As Nissan does not teach or suggest at least one supporting member pivotably mounted to the cover, Nissan cannot be said to anticipate the presently claimed invention.

It is believed that these remarks overcome the rejection of Claims 1, 5 and 6 under 35 U.S.C. § 102(b). Withdrawal of this rejection, therefore, is respectfully requested.

Reply to the Rejection of Claims 9 and 10 under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 9 and 10 under 35 U.S.C. § 102(b) as being anticipated by German Patent No. 198 02 077 to Volkswagen ("Volkswagen"). Specifically, the Examiner states –

Regarding claim 9, German '077 discloses a loading compartment in a floor of a vehicle comprising a recess in the floor of the vehicle; a storage space defined by the recess; a cover pivotally connected to the floor for covering the recess in a closed position and for allowing access to the storage space in an open position; and a load-receiving element matched to the shape of the recess, the load receiving detachably disposed in the recess and providing load-receiving surfaces for securing goods placed on the load-receiving element.

Regarding claim 10, German '077 discloses the load compartment wherein the load-receiving element is shaped as a casing, with the load-receiving surfaces having a bottom surface and side surfaces.

For the following reasons, Applicants respectfully traverse the Examiner's rejection of Claims 9 and 10 as being anticipated by Volkswagen.

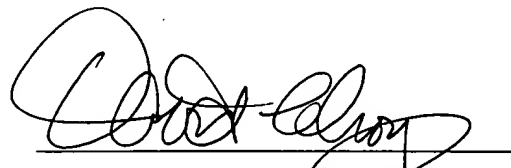
Referring to Volkswagen therein is disclosed a vehicle with a load storage compartment. The vehicle has the bottom 1 of its load storage compartment able to be fitted in two planes one above the other. The bottom 1 includes several sectors 1a-1c that are connected to each other by at least one hinge 2, 3. The sectors 1a-1c can be turned after the release of a lock 12 on the rear side. In the upper plane, the bottom is supported by a fitting set, the fitting set resting on a bearing structure 10 that serves to receive the bottom 1 in its deeper-lying position (English Abstract). Figures 5 and 6 provide various embodiments of the load storage compartment. However, the figures provide no indication that the load-receiving element (reference 4?) is detachably disposed in the recess. Contrary to the Examiner's assertion, Applicants find no teaching or suggestion in Volkswagen of a detachably disposed load-receiving element in the recess. Accordingly, as Volkswagen does not teach or suggest each and every element as set forth in the claim, Volkswagen cannot be said to anticipate the presently claimed invention.

It is believed that these remarks overcome the rejection of Claims 9 and 10 under 35 U.S.C. § 102(b). Withdrawal of this rejection, therefore, is respectfully requested.

It is believed that the above amendments and remarks overcome the Examiner's objections and rejections of the claims under 35 U.S.C. § 102(b) as indicated herein above. Withdrawal of the rejections is therefore respectfully requested. Allowance of the claims is believed to be in order, and such allowance is respectfully requested.

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